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OFFICE OF PETITIONS

In re Application of
HIROYUKI INOUE
Application No. 09/008,497
Filed: January 16, 1998
Title: SEMICONDUCTOR DEVICE AND
METHOD FOR MANUFACTURING THE SAME

DECISION ON PETITION

This is a decision on the "Renewed Petition to Revive an Unintentionally Abandoned Application under 37 CFR § 1.137(b)," filed November 7, 2002.

The petition is **GRANTED**.

The above-identified application was abandoned for failure to timely file a proper response to the final Office action mailed June 9, 2000. This action set a shortened statutory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 10, 2000. A Notice of Abandonment was mailed on January 25, 2001.


On initial petition, petitioner filed the required reply in the form of a Notice of Appeal (and fee), paid the petition fee and provided a statement of unintentional delay by an assignee. However, the statement was determined to be insufficient to satisfy § 1.137(b)(3). The statement provided was made by the current assignee. A statement of unintentional delay from the former assignee or other party who had the right or authority to reply to avoid abandonment was required (Decision mailed October 22, 2002).

On instant renewed petition, petitioner provided a statement of unintentional delay made by the prior assignee as to the period in which they could have replied to avoid abandonment or could have filed a petition to revive. The statement of the current assignee filed on initial petition covered the remaining period to the filing of the instant grantable petition. Petitioner has, thereby, now met all requirements for revival under § 1.137(b).

Please be advised that the two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 C.F.R. § 1.17(c)), runs from the mail date of this decision.

The application file is being returned to Technology Center 2814 for processing of the Notice of Appeal.

Telephone inquiries related to this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.


Nancy Johnson
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Office of the Deputy Commissioner
for Patent Examination Policy